

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

EARL E. BRAMHALL,

Plaintiff,

v.

WEST VALLEY CITY POLICE  
DEPARTMENT, COLLEEN JACOBS,  
police officer, TRAVIS PEARCE, police  
officer, ROBERT BOBROWSKI, police  
officer, NICOLAS COOK, police officer, et  
al.,

Defendants.

ORDER

Case No. 2:18-cv-438

District Judge Dee Benson

Before the Court are two Reports and Recommendations issued by the magistrate judge. In the first Report and Recommendation, issued on January 22, 2019, (Dkt. No. 113,) the magistrate judge recommends that Plaintiff's claims against Simarjit S. Gill, Melanie M. Serassio, Steven C. Gibbons, Nathaniel J. Sanders, Robert N. Parrish, Nathan J. Evershed, Chou Chou Collins, Thomas V. Lopresto II, Craig Stanger, Jared W. Rasband, Christina P. Ortega, Gregory N. Febrache, and Jared N. Parrish (the "County Defendants") be dismissed<sup>1</sup>. In the second Report and Recommendation, issued on January 25, 2019, (Dkt. No. 117,) the magistrate judge recommends that the Motion to Dismiss (Dkt. No. 74) filed by Cyprus Credit Union, Inc. and Brook Bennion (the "Cyprus Defendants") be granted.

---

<sup>1</sup> Simarjit S. Gill, Melanie M. Serassio, Steven C. Gibbons, Nathaniel J. Sanders, Robert N. Parrish, Nathan J. Evershed, Chou Chou Collins, Thomas V. Lopresto II, Craig Stanger, Jared W. Rasband filed a Motion to Dismiss Plaintiff's claims against them (Dkt. No. 93), whereas the magistrate judge recommended dismissal of Christina P. Ortega, Gregory N. Febrache, and Jared N. Parrish *sua sponte* as parties to whom the arguments set forth in the Motion to Dismiss similarly applied.

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of service pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. Plaintiff objected to the first Report and Recommendation on January 29, 2019, (Dkt. No. 120,) and objected to the second Report and Recommendation on February 13, 2019. (Dkt. No. 127.)

De novo review of all materials, including the record that was before the magistrate judge and the reasoning set forth in the Reports and Recommendations, has been completed. The analysis and conclusion of the magistrate judge are correct and the Reports and Recommendations will be adopted.

In his Objections, Plaintiff reiterates the facts and arguments he articulated in his complaint and responsive filings. While the court recognizes that Plaintiff has alleged an unfortunate set of facts, as the magistrate judge observed, §1983 and tort law do not allow recovery under every circumstance, and “immunity does leave the genuinely wronged defendant without civil redress.” *Imbler v. Pachtman*, 424 U.S.409, 427 (1976). Plaintiff’s Objections are accordingly overruled.

It is hereby ORDERED that the Reports and Recommendations (Dkt. Nos. 113 and 117) are ADOPTED and Plaintiff’s claims against the County Defendants and the Cyprus Defendants are hereby DISMISSED.

Signed February 15, 2019

BY THE COURT

A handwritten signature in black ink, appearing to read "Dee Benson", written over a horizontal line.

District Judge Dee Benson